

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Torsten Gottschalk-Gaudig et al.

Serial No.: 10/738,543

Filed: December 17, 2003

For: WATER-WETTABLE SILYLATED METAL OXIDES

Attorney Docket No.: WAS 0611 PUS

Group Art Unit: 1762

Examiner: Elena Tsoy

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Mail Stop Amendment
Commissioner for Patents
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants received a Notice of Non-Compliant Amendment dated June 29, 2007. Accompanying this communication are corrected sections of the amendment. Please replace the Amendments to the Claims section (pages 2 - 4) of the Amendment filed June 15, 2007 and page 5 of the Remarks section, with the attached Amendments to the Claims section (pages 2 - 4) which includes a complete listing of claims, and page 5 of the Remarks. A copy of the Notice of Non-Compliant Amendment is also enclosed.

The Notice stated that the claims were not provided with the proper status identifier, which Applicants believe to be incorrect, as the status of each claim was clearly stated. Perhaps the Examiner wishes the claims which have been restricted identified as "withdrawn", or "withdrawn-currently amended." This has been done in the claims replacement section. It is again noted that the withdrawn claims are subject to rejoinder per MPEP §821.04.

Claim 7 has been temporarily withdrawn as the Office alleges the proposed amendment would change its statutory class, which Applicants also believe to be incorrect. However, in a *bona fide* attempt to expedite prosecution, claim 7 has been amended in corrected form to eliminate the phrase "A composition comprising". The claim now pertains directly to partly silylated silica particles and, based on the use of the transitional phrase "comprising", also includes compositions containing these particles within its scope. In a further attempt to expedite prosecution, claims 10, 12, and 14 have been cancelled.

The corrections discussed above necessitated a change in the "claims" section of the amendment and the "Remarks" section of the amendment. Thus, both these sections are enclosed; only the first page of the amendment remains unchanged, and is not repeated.

Respectfully submitted,

Torsten Gottschalk-Gaudig et al.

By 

William G. Conger

Reg. No. 31,209

Attorney/Agent for Applicant

Date: July 17, 2007
BROOKS KUSHMAN P.C.
1000 Town Center, 22nd Floor
Southfield, MI 48075-1238
Phone: 248-358-4400
Fax: 248-358-3351
Attachments